



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,334	03/18/2004	Kenji Takahashi	1232-5348	7027
27123	7590	11/09/2007		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER KHAN, USMAN A	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 11/09/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOPatentCommunications@Morganfinnegan.com
Shopkins@Morganfinnegan.com
jmedina@Morganfinnegan.com

Office Action Summary

Application No.

10/804,334

Applicant(s)

TAKAHASHI, KENJI

Examiner

Usman Khan

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6 and 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 and 18 September 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments filed on 09/18/2007 with respect to claims 1, 3 - 6, and 17 - 19 have been considered but are moot in view of the new ground(s) of rejection.

Regarding objection to specification provided in the previous office action for failing to provide a descriptive title. Applicant has amended the title of the invention to overcome the objection to the specification.

Regarding objection to figure 14 provided in the previous office action for failing to label prior art. Applicant has amended figure 14 to overcome the objection to the drawings.

Regarding rejection under 35 U.S.C. 101 provided in the previous office action for claims 17 and 18. Applicant has amended claims 17 and 18 to overcome the rejection under 35 U.S.C. 101 hence the rejection is withdrawn.

Regarding rejection under 35 U.S.C. 112, second paragraph provided in the previous office action for claim 3. Applicant has amended claim 3 to overcome the rejection under 35 U.S.C. 112, second paragraph hence the rejection is withdrawn.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 3 – 5, 13, and 17 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakami (EP 1 271 404 A2) in further view of Kohashi et al. (US patent No. 6,816,193).

Regarding **claim 1**, Nakami teaches an information processing method for processing a file (paragraphs 0008 *et seq.*) containing reversibly compressed **or** non-compressed digital image data obtained by digitally converting a signal that has been output from an image sensing device (paragraph 0037), said method including process of:

converting the digital image data contained in the file to data having a prescribed format by selectively executing a signal processing of a plurality of types **by using any of at least** a plurality of types of luminance signal generating processing methods **and/or** a plurality of types of color signal generating processing methods (paragraphs 0008 – 0009 and 0036 – 0043 brightness, color information, gamma value, and other image processing);

selecting automatically signal processing to be used from among the plurality of types of signal processing based upon attribute information other than information

derived from the digital image data contained in the file (paragraphs 0008 – 0009 and 0036 – 0043 brightness, color information, gamma value, and **other image processing**; also; figure 1 PIM data; also Exif file with image data and processing control data stored in file stored and figure 6);

and causing said conversion to be executed using the signal processing selected in the selecting process so that the digital image data contained in the file is converted to data having the prescribed format (paragraphs 0008 – 0009 and 0036 – 0043 signal processing is executed depending on the image file data).

However, Nakami fails to teach wherein signal processing of the plurality of types in the converting process includes high-frequency emphasis processing for causing a high-frequency emphasis signal to act upon a luminance signal that has been obtained by conversion from the digital image data, said high-frequency emphasis signal being obtained **by either** first processing for generating a high-frequency emphasis signal using color signals of all colors included in the digital image data, **or** second processing for generating a high-frequency emphasis signal using a color signal of a specific color included in the digital image data, and in the selecting process, **either** the first processing **or** the second processing is selected.

Kohashi et al., on the other hand discloses wherein signal processing of the plurality of types in the converting process includes high-frequency emphasis processing for causing a high-frequency emphasis signal to act upon a luminance signal that has been obtained by conversion from the digital image data, said high-frequency emphasis signal being obtained **by either** first processing for generating a high-

Art Unit: 2622

frequency emphasis signal using color signals of all colors included in the digital image data, **or** second processing for generating a high-frequency emphasis signal using a color signal of a specific color included in the digital image data, and in the selecting process, **either** the first processing **or** the second processing is selected and also discloses that it is well known in the art.

More specifically, Kohashi et al. discloses wherein signal processing of the plurality of types in the converting process includes high-frequency emphasis processing for causing a high-frequency emphasis signal to act upon a luminance signal that has been obtained by conversion from the digital image data, said high-frequency emphasis signal being obtained **by either** first processing for generating a high-frequency emphasis signal using color signals of all colors included in the digital image data, **or** second processing for generating a high-frequency emphasis signal using a color signal of a specific color included in the digital image data, and in the selecting process, **either** the first processing **or** the second processing is selected (in column 1 lines 11 – 23 and column 18 lines 1 - 51).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Kohashi et al. with the teachings of Nakami because in column 1 lines 11 - 23 and column 2 line 53 - column 4 line 9 Kohashi et al. teaches that using this method will produce an edge enhanced image.

Regarding **claim 3**, as mentioned above in the discussion of claim 1, Nakami in further view of Kohashi et al. teaches all of the limitations of the parent claim. Additionally, Nakami teaches further teaches decompression execution process of subjecting the digital image data contained in the file to **one of a plurality of** decompressing processes corresponding to a plurality of types for decompressing digital image data (paragraph 0042 JPEG and TIFF); wherein in the selecting process, decompression process to be used in the decompression execution process is selected based upon the attribute information contained in the file (paragraph 0042 JPEG and TIFF).

Regarding **claim 4**, as mentioned above in the discussion of claim 1, Nakami in further view of Kohashi et al. teaches all of the limitations of the parent claim. Additionally, Nakami teaches that the signal processing is executed in the converting process using an image processing parameter set by a user (Abstract paragraphs 0006, 0009, 0028, 0030 and 0048 *et seq.* users inputted parameters).

Regarding **claim 5**, as mentioned above in the discussion of claim 1, Nakami in further view of Kohashi et al. teaches all of the limitations of the parent claim. Additionally, Nakami teaches that in the selecting process, the signal processing to be used is selected, **based upon at least any of** product information specifying an apparatus that is the source of generation of the file, color-filter information specifying a

color filter used by an image sensing device in the apparatus that is the source of generation of the file, and an extension-of the file (paragraph 0040 shooting conditions).

Regarding **claim 17**, Nakami teaches a computer readable storage medium storing a control program causing a computer (paragraph 0034) to execute the information processing method set forth in claim 1 (see discussion of Nakami in further view of Kohashi et al. of claim 1 above).

Regarding **claim 18**, Nakami teaches a control program stored in a computer recordable storage medium (paragraph 0034), which causes a computer to execute the information processing method set forth in claim 1 (see discussion of Nakami in further view of Kohashi et al. of claim 1 above).

Regarding **claim 19**, Nakami teaches an information processing apparatus for processing a file containing reversibly compressed or non-compressed digital image data obtained by digitally converting a signal that has been output from an image sensing device (paragraph 0037), said apparatus comprising:

a converting unit configured to convert the digital image data contained in the file to data having a prescribed format by selectively executing a signal processing of a plurality of types by using any of **at least** a plurality of types of luminance signal generating processing methods **and/or** a plurality of types of color signal generating

Art Unit: 2622

processing methods (para graphs 0008 – 0009 and 0036 – 0043 brightness, color information, gamma value, and other image processing);

a selecting unit configured to automatically select signal processing to be used from among the plurality of types of signal processing based upon attribute information other than information derived from the digital image data, contained in the file (paragraphs 0008 – 0009 and 0036 – 0043 brightness, color information, gamma value, and **other image processing**; also; figure 1 PIM data; also Exif file with image data and processing control data stored in file stored and figure 6);

and an executing unit configured to cause said converting unit to convert the digital image data using the signal processing selected by said selecting unit so that the digital image data contained in the file is converted to data having the prescribed format (paragraphs 0008 – 0009 and 0036 – 0043 signal processing is executed depending on the image file data),

However, Nakami fails to teach wherein signal processing of the plurality of types in the converting process includes high-frequency emphasis processing for causing a high-frequency emphasis signal to act upon a luminance signal that has been obtained by conversion from the digital image data, said high-frequency emphasis signal being obtained by **either** first processing for generating a high-frequency emphasis signal using color signals of all colors included in the digital image data, **or** second processing for generating a high-frequency emphasis signal using a color signal of a specific color included in the digital image data; and said selecting unit selects **either** the first processing **or** the second processing.

Kohashi et al., on the other hand discloses wherein signal processing of the plurality of types in the converting process includes high-frequency emphasis processing for causing a high-frequency emphasis signal to act upon a luminance signal that has been obtained by conversion from the digital image data, said high-frequency emphasis signal being obtained by **either** first processing for generating a high-frequency emphasis signal using color signals of all colors included in the digital image data, **or** second processing for generating a high-frequency emphasis signal using a color signal of a specific color included in the digital image data; and said selecting unit selects **either** the first processing **or** the second processing.

More specifically, Kohashi et al. discloses wherein signal processing of the plurality of types in the converting process includes high-frequency emphasis processing for causing a high-frequency emphasis signal to act upon a luminance signal that has been obtained by conversion from the digital image data, said high-frequency emphasis signal being obtained by **either** first processing for generating a high-frequency emphasis signal using color signals of all colors included in the digital image data, **or** second processing for generating a high-frequency emphasis signal using a color signal of a specific color included in the digital image data; and said selecting unit selects **either** the first processing **or** the second processing (in column 1 lines 11 – 23 and column 18 lines 1 - 51).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Kohashi et al. with the teachings of Nakami because in column 1 lines 11 - 23 and column 2 line 53 - column 4

line 9 Kohashi et al. teaches that using this method will produce an edge enhanced image.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usman Khan whose telephone number is (571) 270-1131. The examiner can normally be reached on Mon-Thru 6:45-4:15; Fri 6:45-3:15 or Alt. Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Usman Khan
11/05/2007
Patent Examiner
Art Unit 2622



DAVID OMETZ
SUPERVISORY PATENT EXAMINER